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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 13 February 1990, at 10 a.m.

Chairman: Mr. QUISUMBING (Philippines)

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Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rigths, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

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(b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms;

(c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights (continued)

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Effective functioning of bodies established pursuant to United Nations human rights instruments (continued)

Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The meeting was called to order at 10.25 a.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(c) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (agenda item 7) (continued) (E/CN.4/1990/8 and 66; E/CN.4/Sub.2/1989/19)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1990/9 (Parts III and IV), E/CN.4/1990/33; E/CN.4/1990/NGO/18; and E/CN.4/1989/10)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 17) (continued) (E/C.12/1988/1; CCPR/C/2/Rev.2 and A/44/441)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 18) (continued) (E/CN.4/1990/39; A/44/539 and 668)

1. Mr. EL SAYED (Observer for the Sudan) said that all rights, civil, political, economic, social and cultural, formed a whole in that their essence was promotion of the well-being of every individual, without distinction. The growing recognition and consolidation of international interdependence reinforced the need to promote economic, social and cultural rights, because for many countries the worsening economic situation was a real obstacle to their development and stability.

2. Realization everywhere of the right to development was possible only through international co-operation to reduce the gap between the developed and developing nations. Therefore, his delegation called on all United Nations bodies, non-governmental organizations and other international institutions to heed the views, compiled by the Secretary-General in his report (E/CN.4/1990/33), on the implementation and further enhancement of the Declaration on the Right to Development.

3. In addition, the comments, contained in the Secretary-General's report (E/CN.4/1990/8), on popular participation as an important factor in development drew attention, inter alia, to the need for international co-operation to counter the adverse effects of deteriorating terms of trade

and other international economic and financial factors, and the burden of structural adjustment programmes, on the developing countries' efforts to promote the exercise of economic, social and cultural rights.

4. His delegation greatly appreciated the work of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1989/10), and welcomed the co-ordination that had been achieved with the relevant United Nations and intergovernmental bodies. Popular participation in development efforts must be given ever wider scope; the role of women was particularly important in that regard. And it should be stressed, in the Commission and other relevant international forums, that economic, social and cultural rights were as important as civil and political rights, especially in the case of the poorer countries.

5. Mr. STROHAL (Observer for Austria) said that the International Covenants on Human Rights and their implementation procedures derived from the world community's duty, under the Charter, to promote and protect human rights and fundamental freedoms. Their status was far from satisfactory, however, and his Government urged all States, particularly the members of the Commission, to do their utmost to strengthen the universal character and applicability of the Covenants and their Optional Protocols. Austria had become a party to the first Optional Protocol to the International Covenant on Civil and Political Rights, because it was the implementation procedure that gave real meaning to such an instrument.

6. The documents currently before the Commission included some particularly important ones such as the study on possible long-term approaches to the supervision of new instruments on human rights (A/44/668), the report on the global consultation on the realization of the right to development (E/CN.4/1990/9) and the preliminary report of the Sub-Commission's Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19).

7. The first was of particular interest because the study was placed within the wider framework of the treaty-based human rights bodies and the need to ensure their continued effective functioning. The expert's conclusions should be heeded with regard to the future work of all treaty-based bodies, which should be invited not only to consider the study but also to report to the Commission at its next session on their consideration thereof.

8. The need for additional resources for the Centre for Human Rights, mentioned by his country's Minister for Foreign Affairs when addressing the Commission a few days previously, held particularly true in the context of the drafting and supervision of treaties; current ongoing codification work should be listed, so as to provide a clear picture of the situation. Any temporary financial problems - and in some cases the current problems were serious - should be alleviated, at least on a temporary basis, by the United Nations, without diminishing the States parties' contractual obligations in that regard. A "contingency reserve fund", as proposed by the Secretary-General for the Committee on the Elimination of Racial Discrimination, could be a solution; but the General Assembly should envisage a more permanent remedy for the longer term.

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9. Over the past year, a number of States had accepted the individual communications procedure under the First Optional Protocol to the International Covenant on Civil and Political Rights; his Government hoped that the Second Optional Protocol, aiming at the Abolition of the Death Penalty, would likewise be ratified by many States and would soon enter into force. The Human Rights Committee had made a remarkable contribution to the development of international human rights law and had published 18 general comments to date, but it had not yet used its power to publish its own reports on States parties' compliance with their obligations under article 40 of the Covenant.

10. The Committee on Economic, Social and Cultural Rights likewise deserved congratulations; particularly noteworthy were the change in the reporting cycle, the practice of making observations on the State reports and the general discussions, involving United Nations experts and NGOs, on the meaning of the rights to food and housing. But the supervisory bodies could remain effective only if the resources of the Centre for Human Rights in staff and computer facilities were enhanced, including the establishment of relevant data bases.

11. Human dignity could not be guaranteed if the necessary economic, social or cultural preconditions did not exist, but adverse social and economic conditions could never justify the denial of civil and political rights. All rights were indivisible and complementary. That view found a welcome reflection in the report by the Sub-Commission's Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19). His delegation fully shared the preliminary conclusions that a unified approach to the interpretation and realization of economic, social and cultural rights, as well as a more balanced approach to both major sets of rights, should be aimed at.

12. His delegation welcomed the preliminary report by the Sub-Commission's Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19) and looked forward to the full report in due course. It also appreciated the global consultation on the realization of the right to development not only as a further clarification of the content of that right but also as a contribution to implementation of the Declaration on the Right to Development. In the meantime, the global consultation's conclusions and recommendations should receive the attention they deserved, especially on account of the emphasis they laid on popular participation.

13. Mr. VILLAGRAN de LEON (Observer for Guatemala) said that his delegation agreed with the Sub-Commission's Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19), that a unified approach must be found to interpret the relationship between the two major groups of rights. Although a satisfactory level of observance of those rights had not been achieved in countries such as his own, their Governments had striven to give them full effect gradually, by providing considerable resources for health, education, housing and food, and assuming responsibility as the prime mover for development. But the task had been adversely affected by the scarcity of human, natural and financial resources, as well as by the vicissitudes of the world economy.

14. The features of the latter, such as external indebtedness, protectionism, discrimination and imbalances in the terms of trade, referred to by previous speakers, had necessitated the adoption of adjustment measures which had further worsened social conditions. In Guatemala, the effects of the crisis had been heightened by the fall in export commodity prices; the Government nevertheless stood by its commitment to improve the standards of living of the majority of the population - a commitment recently reiterated by President Cerezo in his address to the General Assembly.

15. The realization of economic, social and cultural rights obviously concerned the right to development, i.e. the right of each individual to live in dignity, the right of all peoples to seek political independence and economic self-determination, and the right of every State to guarantee its people's basic needs without interference from other States. To that end, the appropriate approach was multilateralism, which had proved effective in promoting peace and should be used to rebuild international economic relations; the resumption of a broad North-South dialogue was essential for that purpose.

16. One obstacle to development was internal or external aggression, such as that inflicted on Guatemala by armed groups which regarded violence as the sole means of attaining their aims. Their destruction of human life and the economic infrastructure not only destabilized democratic institutions but also violated the right to development, of which democracy was an essential element.

17. The creation of national and international conditions for full realization of the right to development was the responsibility of States and of the international community. It was to be hoped that the Commission and all its members fully understood the intimate relationships between peace, democracy and development and the need to promote them in a constructive way.

18. Mr. EYA-NCHAMA (International Movement for Fraternal Union among Races and Peoples) said that the preliminary report prepared by the Sub-Commission's Special Rapporteur (E/CN.4/Sub.2/1989/19) drew attention to the question of extreme poverty, which affected developed as well as developing countries, and to the importance of international co-operation in the realization of economic, social and cultural rights. His organization, which took an active part in the work of the International Movement ATD-Fourth World on the question of extreme poverty, referred to in the report (paras. 42 and 43), supported the efforts of United Nations bodies in that field.

19. In that connection, the situation in Cambodia was very disquieting. A statement had recently been signed at Phnom Penh by 93 representatives of non-governmental organizations and other humanitarian bodies originating from 23 countries, relating to a world conference on the theme "Education for all", organized by UNDP, UNESCO, UNICEF and the World Bank, which was to be held in Thailand in March 1990. All Governments had been invited, except that of Cambodia. The coalition which currently held Cambodia's seat at the United Nations was to represent Cambodia at the conference in question, led by a member of the Khmer Rouges who was a close friend of Pol Pot, of infamous memory. Attendance at such an international gathering of the Khmer Rouges, who had devastated the country's educational system, would be morally unacceptable and would inevitably discredit the Conference. If the representative of the State of Cambodia could not attend, it would be better for that country not to be represented at all.

20. Mr. LOPEZ (Service, Justice and Peace in Latin America) said that, without land, man could not produce his own food and a hungry man could not be part of an economically active population. Without fair selling and buying prices, there could be no justice in the international economic order. It was unreasonable to base the wealth of a few on the misery of the many.

21. As the Sub-Commission's Special Rapporteur put it in his preliminary report (E/CN.4/Sub.2/1989/19, para. 36), discussion of the problems relating to the realization of economic, social and cultural rights had to take into account the realities of a given country. In that connection, he wished to draw attention to the case of Guatemala, a country in which there were serious violations of civil and political rights, by deliberate commission, and, of economic, social and cultural rights, by omission, to the detriment of the majority.

22. Seventy per cent of Guatemalan land was concentrated in the hands of 2 per cent of the population, thus condemning 82 per cent of children under five years of age to malnutrition. In such conditions, it was a matter of course that 85 per cent of the population should live in poverty, a tragic situation that affected in particular the indigenous people. They were 65 per cent of the total population and thus constituted a social majority subjected to discrimination. The discrimination was such that illiteracy affected the same proportion of the people as poverty and malnutrition. As a result, the indigenous people had never known how to legalize their land tenancies, a situation which was used by those who manipulated the law to deprive the indigenous people of their legitimate right of possession, after which the army was called in to remove them by force. That injustice had been condemned by the Catholic Church in a pastoral letter.

23. In addition, members of the indigenous population had to serve on civil self-defence patrols and anyone who refused to do so could be killed.

24. The panorama of injustice and tragedies affecting the people of Guatemala also existed in El Salvador and Honduras, where militarism prevailed with the support of the Government of the United States. Nicaragua was obliged to endure a situation of war waged by mercenaries and an economic blocade which had had devastating effects.

25. The Latin American peoples had, more than ever, become members of the third world, condemned to underdevelopment becau they had to export everything they could in order to service an immoral debt. His organization categorized the debt as such because money had been given into the hands of the rich who, instead of development, had given the people dirty wars, more hunger and more destitution. The people had previously been underdeveloped but solvent, masters of their natural resources and with a distant hope of self-determination.

26. No State could call itself a perfect political model if a portion of its inhabitants lived in conditions of extreme poverty and ignorance or if it denied or violated the civil and political rights of some of its inhabitants. That was the case of the United States of America which denied the right of effective equality to its Afro-American and Hispanic populations and its indigenous minorities.

27. Mr. TEITELBAUM (International League for the Rights and Liberation of Peoples) said that, in addition to the Declaration on the Right to Development there were many international instruments that set forth standards for the realization, promotion and protection of the economic and social basis of the right to development, such as the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Declaration on the Establishment of a New International Economic Order, and the Charter of Economic Rights and Duties of States, instruments that were a source of rights and obligations for the international community, for all States and institutions of public and private law, and for all individuals.

28. The binding nature of those standards arose from the 1969 Vienna Convention on the Law of Treaties, the Statute of the International Court of Justice, the Proclamation of Teheran, and United Nations practice. That body of law was the basis for the competence of the international community in dealing with obstacles to the exercise of the right to development. It was an approach which took account not only of the human rights violations in general but of the economic and social context which allowed or facilitated such violations and considered the responsibility for such violations of States, institutions of public or private law and individuals.

29. Referring to the statement in paragraph 1 (d) of General Assembly resolution 32/130, he said that, when a State failed to adopt the necessary measures to meet the most urgent needs of vulnerable groups in situations of extreme poverty, malnutrition, high unemployment rates and infant mortality, the result was a situation which revealed a consistent pattern of gross violations of human rights and thus concerned the international community. The international standards he had mentioned involved the responsibility of other States, international institutions and transnational banks which, in one way or another, caused some regions of the world to have scarce or unequally distributed resources that did not meet the basic needs of the entire population.

30. With respect to the external debt, when a creditory bank imposed on debtor countries terms that constituted a serious obstacle to the realization of human rights, it violated the relevant international standards and the responsibility of the State in which its head office was situated became involved.

31. The same was true with regard to the adjustment policies imposed by IMF but in that case, it was the responsibility of the States that had a decision-making role within the Fund. The procedures generally used to examine the violations of civil and political rights should also be employed for economic, social and cultural rights.

32. The "flight of capital" was a major obstacle to development. Where funds were transferred abroad illegally, systematic use should be made of existing conventions in the field of international judicial co-operation and of bilateral and multilateral agreements in order to facilitate the search and recovery of the property and funds illegally obtained and/or transferred.

33. States should apply strictly national legislation which punished, for example, the misuse of public funds, transactions incompatible with the exercise of public duties, exchange offences, etc., and should promulgate such standards where they were not already covered by legislation. States should

also examine the legitimacy of the contracts which gave rise to foreign debt, since many of them had flaws with regard to consent or contained unlawful clauses.

34. The obligation of the State to punish the perpetrators of economic offences, to declare null and void contracts containing unlawful clauses and to attempt to obtain compensation for damage caused, arose from national law and was decided through domestic jurisdiction. If however, the economic harm caused by such offences was such that it had serious repercussions on the standard of living of the population, then the international standards relating to the right to development came into play. In the case of the exhaustion or non-existence of domestic remedies, or failure on the part of the State to exercise its punitive powers, the United Nations thus became competent to deal with a situation that could reveal a consistent pattern of gross violations of human rights.

35. Furthermore, his organization considered that the time had come to begin the preparation of an optional protocol to the International Covenant on Economic, Social and Cultural Rights and to consider the possibility of including among international offences that threatened the peace and security of mankind policies which, by preventing the exercise of the right to development, condemned a large part of the world's inhabitants to hunger, disease, illiteracy and unemployment.

36. Mr. SIMMONS (International Indian Treaty Council) said that the global consultation on the realization of the right to development as a human right had confirmed that all the elements of the Declaration on the Right to Development were complementary and interdependent and applied to all human beings. He noted the statement in the report on the global consultation that "special measures are required to protect the rights and ensure the full participation of particularly vulnerable sectors of society, such as children, rural people, and the extremely poor, as well as those who have traditionally experienced exclusion or discrimination, such as women, minorities and indigenous peoples" (E/CN.4/1990/9 (Part III), para. 15).

37. In the United States, indigenous peoples lived in squalor. They had continuously been denied their right to development despite treaty and federal guarantees in the Constitution; they had lost 97 per cent of their traditional homeland, and had been nearly destroyed by military attacks and diseases. All of those actions against the American Indians had been designed to strip them of their language, identity, and social, economic, cultural and spiritual way of life.

38. A recent report entitled "Special Committee on Investigations of the Select Committee on Indian Affairs" by the United States Senate stated that paternalistic federal control over American Indians had created a federal bureaucracy ensnarled in red tape and riddled with fraud, mismanagement and waste and that federal officials in every agency knew of the abuses but did little or nothing to stop them.

39. In North Carolina, native and African Americans faced a common struggle for human rights and the right to development against the forces of racism, both institutional and ideological. It was one of poorest States, with infant mortality rates rivalling those in the third world. A larger proportion of

its population was incarcerated than in any other State. While those statistics reflected the suffering of poor whites as well as Africans and indigenous peoples, they brought into focus the ongoing pervasive genocidal policies of the State of North Carolina and the collusion of the Federal Government in those policies affecting the citizens' right to development as a human right.

40. Mr. IGUALIKINYA, (International Indian Treaty Council) said that the indigenous communities had always been denied the right to development by those who governed them because the latter had never pursued a policy of development in their regard.

41. In December 1989, when most Panamanian people had been asleep, they had unexpectedly been bombed by United States aircraft. United States forces had then entered the country with tanks and sophisticated weapons and had shot down indiscriminately men, women and children. Thousands of Panamanians had died, the national Red Cross had not been allowed to help the wounded and the Fire Brigade had not been permitted to do its work. Those forces had thus violated the most fundamental right of a human being, the right to life. The only offence committed by those Panamanians was that they lived in the Canal Zone, in an area containing United States military bases that were to be withdrawn on 31 December 1999.

42. The invasion had caused the death of several Indians. On 25 December 1989, some United States soldiers had entered an Indian office, destroyed equipment and files containing documents on the human rights of Indians in Panama and Central America and taken $2,000. Four Indians working there had been kidnapped and taken to the Albrook military base where they had been threatened with death if they failed to divulge the whereabouts of their leaders. However, they had conducted themselves with dignity. He called on the United States representative to see to it that the files and the $2,000 that had been taken were returned, and that the Indians were compensated for the damage done.

43. In conclusion, he said that the Commission should set up a delegation, including United States Indians, to visit the indigenous communities in Panama so as to guarantee that the lives of their members were improved.

44. Miss FUCHS (Mexico) said that the main merit of the Declaration on the Right to Development was its recognition that human rights constituted a whole and that the essential rights of the person were closely linked with development and social well-being. The formal distinction between the right to development and other human rights recognized in international instruments was the product of its evolution and did not constitute an essential difference with regard to its sphere of application.

45. The Declaration provided a real panorama of development, as a global process which involved the sustained growth of the economy and the equitable distribution of wealth as well as the creation of material conditions to make possible the integral enjoyment of all human rights. However, development was also a political and cultural objective which was essential to strengthen the viability of national projects.

46. As development implied the free participation of individuals in equal opportunities in all societal tasks, her delegation rejected the approach that the promotion of the right to development could be used as an instrument to restrict individual freedoms. History demonstrated the contrary, in fact. The realization of the right to development strengthened individual freedoms.

47. It should not be forgotten that there were various problems hindering the full realization of that right. The external debt crisis, lack of sufficient resources, trade protectionism and deterioration in the terms of trade had had a negative effect on the social programmes of developing countries.

48. The developing countries were meeting increasing difficulties in obtaining financing and securing markets to enable them to export and grow. Their future viability clearly depended on their own economic and political initiatives but international co-operation had also a basic role to play. The lack of external support compatible with national actions could negate the hoped-for effects of the most commendable domestic efforts.

49. In the case of Mexico, a far-reaching process of transformation had been initiated in which direct responsibility was assumed for the solution of the most pressing problems. The fundamental criteria which had guided renegotiation of the external debt had been the need to guarantee growth and to ensure the transfer of resources at levels compatible with development objectives. The essential goal had been to obtain a reduction in the real value of the debt.

50. The recently concluded negotiation process in which her Government had been involved had opened up new channels and produced an understanding that any basic solution to the problem required a reduction in the total amount of the debt, principal and interest together.

51. The negotiations had enabled Mexico to reduce the transfer of its resources abroad. Her Government knew that renegotiation of the debt was not, in and of itself, sufficient to guarantee growth. That depended on domestic policies and also on a positive response by the international community in the negotiations leading to new rules for the world economy.

52. In view of the unfavourable economic situation which had prevailed over the previous decade, the realization of the right to development required effective measures at the national level and international co-operation in the financial, commercial and technological spheres. The economic gap between the North and South was greater than it had been 10 years earlier. It was necessary to correct the economic imbalances which had led to that situation, with their negative impact on the exercise of economic and social rights.

53. The encouraging signs of change in Europe should not deflect the attention of the industrialized countries from other regions of the world. At a time when the political map was undergoing dramatic transformations, the creation of fairer international economic conditions could not be postponed. Continuation of the existing situation would inevitably lead to political instability, which could frustrate the developing countries' efforts for greater democracy and jeopardize fundamental rights and freedoms. For those reasons, she hoped that the Commission would adopt a resolution under the relevant agenda item.

54. Mr. CASTRIOTO DE AZAMBUJA (Brazil) said that the very idea of development - a key concept of international life in the 1950s and 1960s - had lost its lustre, and was viewed either as a practical impossibility or as a menace to the environment and the international status quo.

55. The right to development, therefore, suffered from two distinct disadvantages. The industrialized countries were reluctant to promote development projects in a significant way and suspected that the developing countries, in stressing their own special right, were seeking either to excuse themselves for their shortcomings or to escape from the constraints of the foreign debt and other problems. Meanwhile, the resistance of the rich to the notion that the poor too had a right to enjoy decent living standards appeared to the many who were poor to be both callous and insensitive. Accordingly, both camps must take some necessary steps and make some meaningful gestures.

56. The developing countries must make it abundantly clear that the right to development did not replace or render obsolete any of the principles contained in the Universal Declaration of Human Rights. Furthermore, obstacles to development could not serve as an excuse for grave and persistent violations of human rights. For their part, the industrialized countries would have to acknowledge clearly that a substantial part of their achievements in the field of human rights derived from their abundance of means and the prosperity of their societies. To speak of respect for human rights in an economic and social vacuum was not only political nonsense, but a moral and historical fallacy.

57. At its current session, the Commission should adopt an action-oriented decision or resolution that would encourage further studies and an extended dialogue. Greater involvement by non-governmental organizations and the academic community in that effort would be welcome.

58. Tribute should be paid to the billions of human beings toiling and surviving in desperate conditions, whose endurance and strength were an unequivocal reminder that there was indeed a human right to development, and that the effective and universal realization of that right was one of the major tasks of the contemporary era.

59. Mrs. ILIC (Yugoslavia) said that Yugoslavia, which had ratified most of the existing international human rights instruments and was faithfully fulfilling its reporting obligations, attached particular importance to the efforts of the United Nations to reduce the overall burden of reporting by Member States which were parties to several such instruments.

60. She welcomed the note by the Secretary-General (A/44/668) transmitting the study by Mr. Alston on possible long-term approaches to the effective operation of bodies established under United Nations human rights instruments. Her delegation shared Mr. Alston's view that the international community as a whole was the principal beneficiary of an effective treaty régime and that the treaty régime was an important and indispensable means of promoting the human rights objectives of the Charter. It agreed that reporting procedures were of central importance to the international human rights régime and that reporting should be viewed as a multi-faceted undertaking which served a variety of objectives, both domestically and internationally.

61. Consequently, it supported the measures proposed by the meeting of persons chairing the human rights treaty bodies, such as the consolidation of reporting guidelines, as well as the efforts of the treaty bodies and the Secretary-General within their respective spheres of competence. In order to alleviate the current financial difficulties of the treaty bodies, the Secretary-General should be authorized to provide temporary regular budget funding until such time as a permanent solution could be found.

62. She had noted with satisfaction the report on the work of the Task Force on computerization (E/CN.4/1990/39). The report suggested that the establishment of a data base could reduce unnecessary work, increase efficiency and assist States parties and the United Nations staff members servicing the treaty bodies, thus leading in the long run to considerable savings. The report and its recommendations deserved careful consideration and support from the Commission.

63. Mr. STRASSERA (Argentina) said that with the opening for signature, 25 years earlier, of the International Covenant on Civil and Political Rights, with its Optional Protocol, and the International Covenant on Economic, Social and Cultural Rights, the international community had enshrined the principle that all human rights were indivisible and interdependent. The attempt to establish any type of hierarchical order for the two categories of rights could make the enjoyment of civil and political rights illusory for a majority of the disadvantaged. At the same time, an exclusive concern for economic, social and cultural rights, combined with a denial of public freedoms, led to oppression.

64. On the basis of those principles, which reflected the deeply held views of the Argentine people, the democratic Parliament of Argentina had, in 1986, ratified both the International Covenants and the Optional Protocol.

65. At the forthcoming session of the Human Rights Committee, his Government would submit its first report under the International Covenant on Civil and Political Rights. That report would reflect not only formal acceptance of the provisions of the Covenant, but also the efforts made by the Argentine Parliament in recent years to adapt its national legislation to the provisions of the Covenant and strengthen the internal rules protecting public rights and freedoms. That resolve had produced, inter alia, new penal legislation to combat torture and a new Act which punished all forms of discrimination.

66. His delegation had recently submitted its first report to the Committee on Economic, Social and Cultural Rights. In that report, it had tried to reflect recent achievements in the educational and cultural spheres, as well as the difficulties deriving mainly from the economic crisis with which his country, like the rest of the developing world, was confronted.

67. The Committee had shown an interest in his Government's policy towards the indigenous communities. Legislation adopted in recent years testified to the concern of the authorities to compensate for the historical neglect of the indigenous community, while taking into account its special ethnic and linguistic characteristics. It had not, of course, been possible to implement some of the measures contemplated owing to the economic crisis. The non-governmental indigenous organizations had shown understanding in

that regard, knowing that the State could not implement affirmative action on behalf of the indigenous communities when other major sectors of the Argentinian nation were suffering serious economic hardship.

68. His delegation welcomed the adoption by the General Assembly of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the Death Penalty. It had encouraged that measure and hoped that the Argentine Parliament would be able to ratify the new instrument in the near future. It also hoped that, in the years to come, more States would ratify the International Covenants on Human Rights and Optional Protocols. That would be the best evidence of the international community's determination to respect the essential dignity of the human person.

69. Mr. LEKOUNDA-BOUMY (Observer for Gabon) said that the objective of the recent global consultation on the right to development had been to ensure that the concept of the right to development as a human right was adopted by the international community.

70. The theory underlying the Commission's work was that human rights were indivisible and interdependent. The right to development implied that every person should enjoy a standard of living adequate to ensure his or her health, education and well-being.

71. His country, which had ratified the international instruments relating to the promotion and defence of human rights, was adopting legislative or other measures to guarantee those rights as an ongoing process.

72. However, some developing countries faced enormous economic difficulties - including problems such as foreign debt, famine, drought, poverty and the lack of education and health care - which jeopardized their efforts to promote and guarantee the effective enjoyment of human rights. In his view, the major problem currently facing the international community was the third world debt burden, which required an overall strategy and a lasting solution based on realism and equity.

73. Externally, the developing countries were experiencing a sharp deterioration in their terms of trade, the rise of protectionism in the countries of the North and an increase in their debt burden, while internally they had not been able to implement policies to expand their productive capacity and meet the basic needs of their populations.

74. As the General Assembly had affirmed in 1969, development was the prerequisite for international peace and security. The question was in which areas international co-operation for development might be most effective.

75. United Nations action for development could bring about greater equality only if democracy and democratic institutions were firmly established as part of the world's political process. The introduction of democracy, while not completely eliminating inequality, would at least correct the growing gaps between the developed and developing countries, promote peace and development, raise living standards and foster full employment. The idea that development inequalities existed must be incorporated into a comprehensive programme within the perspective of sustainable growth, which should become the prime objective of developing and industrialized countries alike.

76. In the past, the existence of a large number of hot spots throughout the world had retarded development and the promotion of fundamental human rights in certain regions. While peace could not be an end in itself, it was a starting-point and a means for arriving at the improvement of economic conditions for peoples and individuals. He therefore welcomed the East-West détente as a precondition for material prosperity and progress, as well as the full realization of fundamental human rights and freedoms.

77. There was a correlation between prosperity in the developed countries and growth in the developing countries. Thus, if some countries viewed development as their exclusive privilege, they must not forget that the individual was the subject of all forms of development.

78. Ms. RAS-WORK (International Movement for Fraternal Union Among Races and Peoples), speaking on behalf of 12 organizations in consultative status with the Economic and Social Council, said that the Declaration on the Right to Development had been a milestone in terms of linking the concerns of the Commission to those of the United Nations system as a whole. However, the implementation of the Declaration had proved to be a challenge. The Working Group of Governmental Experts on the right to Development, which had drafted the Declaration, had failed to produce concrete proposals for putting it into practice.

79. Recent international events had underscored the importance of implementing the principles contained in the Declaration. The growing gap between rich and poor countries and the growing social and economic disparities inside many of the industrialized countries called for a fundamental rethinking of past efforts to achieve global growth and the wider enjoyment of fundamental rights.

80. As the United Nations began the work of preparing the international development strategy for the fourth United Nations development decade, the organizations she was speaking for believed that there was a new consensus on one point, namely, that human dignity and human rights - including the integration and participation of women - should be the shared concern and joint responsibility of all States.

81. They welcomed the report of the Secretary-General on the global consultation (E/CN.4/1990/9 (Part III)) and urged the Commission to implement its recommendations concerning the functioning of the United Nations system. The recommendations were practical, economical and likely to make a significant contribution to the implementation of the Declaration on the Right to Development and to the realization of all human rights.

82. They drew the Commission's attention, in particular, to the recommendation that a high-level committee of experts be established to oversee the implementation of the Declaration throughout the United Nations system. Currently, there was no body with expertise or competence in both the economic and humanitarian fields. It would be impossible to link human rights with the development process, or to strengthen the human dimension of development, without a single research and planning body bridging the different parts of the United Nations system. The proposed committee would be an economical solution that would give human rights far greater practical influence on other United Nations activities and agencies.

83. Mr. CAICEDO FERNANDEZ (Latin-American Federation of Associations of Relatives of Disappeared Detainees) said that approximately 90,000 persons had been detained and had disappeared as a result of the activities of security forces in Latin America, which illustrated the considerable discrepancy that existed between the formal adherence of Governments in that part of the world to the International Covenants on Human Rights and their actual non-compliance and systematic violation of those instruments.

84. There were three situations with regard to respect for the International Covenants. In the first group of countries, namely, Argentina, Colombia, Chile, El Salvador, Peru and Uruguay, which had signed the International Covenant on Civil and Political Rights many years previously, human rights violations of various kinds were such that the Covenant was largely a dead letter. Grave human rights violations occurred in another group of countries, namely Guatemala, Bolivia and Honduras, which had ratified the International Covenants in the 1980s. The third group of countries consisted of those that had neither signed nor respected the International Covenants and where human rights were also violated on a mass scale. In some of them, such as Haiti and Paraguay, political change appeared to be taking place. Brazil and Mexico, for their part, had not signed the International Covenants and although both had democratic Governments, frequent cases of human rights violations had been noted in both countries.

85. Chile was a country that had ratified the International Covenants without implementing them, and where, under the dictatorship, human rights had been violated openly and with great brutality. In Argentina, which had signed and ratified the Conventions, human rights had been trampled under foot in the worst manner and, even under the current democratically elected Government, an amnesty had been granted for human rights violations and a law passed which provided that children who had been torn away from persons who had vanished were to be taken away from their grandparents who had recovered them and returned to those responsible for their parents' disappearance.

86. Colombia's formal democracy concealed a policy of bloody repression and a military that controlled many aspects of public life. Colombia was one of the first countries to have signed and ratified the Covenants, but it was also a country that violated them flagrantly and where a war of physical extermination was being carried out against political opponents, democratic persons and the people's leaders. Paramilitary groups, organized and trained by the army and financed by large landowners, ranchers and local political leaders of the traditional parties, in particular the governing party, the Partido Liberal, had, together with drug traffickers, formed a tactical alliance to perpetrate murders, abductions and torture.

87. The Government of President Virgilio Barco Vargas, with its much-vaunted war against the narcotics traffic, had concealed the fact that, while adopting a number of measures to contain the criminal and terrorist activities of the drug mafia, it had not dismantled the paramilitary groups that were responsible for more than a thousand murders of left-wing leaders and activists and that continued perpetrating massacres without the armed forces intervening.

88. The army also waged open aggression on rural areas regarded as war zones because of the presence of guerrillas there. Counter-insurgency troops murdered peasants, destroyed property and created an atmosphere of intimidation. Aerial bombing raids had also caused high casualties among

the civilian population and had triggered the flight of thousands of peasants to the cities, where they lived in abject poverty. The regions hardest hit by that type of violence were Magdalena Medio, Córdova and Meta. The international community must urge the Government of Colombia to ensure effective protection for the civilian population, in accordance with the Fourth Geneva Convention of 1949, which Colombia had signed.

89. Mr. SALAZAR (Andean Commission of Jurists) said that drug trafficking, a consequence of the unjust international economic order affected three countries in the Andean region. The unfair terms of trade had aggravated the disparity between the North and the South. A number of products, such as Bolivian tin, had declined in price and strategic importance. Others, like copper, might follow suit in the not-too-distant future. The unfair terms of trade hurt rural producers most, and in particular the Andean peasants. The result had been a gradual but inexorable impoverishment, prompting rural producers to turn to more profitable products with reliable forms of marketing and price stability.

90. The presence of a demand, a price and reliable marketing possibilities had made the coca leaf an attractive product for rural producers. The reconversion to coca planting by those who had formerly produced other crops and the migration to areas where the coca could be planted had become facts of life in Bolivia and Peru. The same applied to those migrant workers who picked and crushed the coca leaves, an operation that constituted a financial means of survival. Such activities were a consequence of adjustment policies that had been particularly devastating in certain sectors such as mining, where more than 20,000 Bolivian workers had been laid off. In short, the international imbalances, which had a direct impact on development opportunities and the respect for economic, social and cultural rights, were to a large degree the reason for the increasing shift by rural producers to the coca crop.

91. Those in the northern hemisphere who devised the campaign against drug trafficking had, until recently, blamed drug producers but they had gradually come to accept the obvious fact that consumption generated production and that the chemicals needed to transform the coca leaves and financial networks in the consumer countries for laundering dollars from drug trafficking were essential for such illicit trade. The fundamental responsibility of the consumer countries could not, therefore, be denied. Moreover, the responsibility of those trapped in underdevelopment and who received only a marginal share of the profits of drug trafficking bore no resemblance to that of the persons at the centre of the trade, which had become one of the major sources of accumulated wealth in the world. If the theory of co-responsibility were to be truly accepted, it would mean that the developed countries must make significant contributions to the economic and social development of the peoples of the Andean region, providing sums that were commensurate with the size of the problem.

92. Mrs. POC (Observer for Cambodia), speaking in exercise of the right of reply, said she wondered how the International Movement for Fraternal Union among Races and Peoples could truly assert that it was concerned at the fate of the Cambodian people and yet say not a word about the social, cultural,

administrative, linguistic and even physical Vietnamization of Cambodia which was designed to crush the country's national identity and enslave the entire people. At the forty-fourth session of the General Assembly, 124 States had voted against the Vietnamese aggression, which had been in violation of Cambodia's inalienable right to self-determination. Vietnamization was a mortal threat to the survival of the Cambodian people.

93. Mr. VILLAGRAN de LEON (Observer for Guatemala), speaking in exercise of the right of reply, said that the representative of Service, Justice, and Peace in Latin America had referred to certain unjust conditions in Guatemala. Those conditions indeed existed, but his Government was attempting, by gradual and peaceful means, to remedy them through a process of democratization and improved living conditions. It was currently possible for the indigenous population to acquire communal land, and those without titles to the land could legalize their ownership. Reference had also been made to certain model village experiments, but they no longer existed under the current Government.

94. Mr. LE LUONG MINH (Observer for Viet Nam), speaking in exercise of the right of reply, said he welcomed the decision by the Conference on Education for All concerning Cambodia's participation. The Khmers Rouges, which had turned schools into prisons and torture chambers, taking a special delight in murdering students and teachers, and which was currently forcing 14-year-old children from refugee camps in Thailand to join its genocidal army, had no right to participate in such a conference. The current legitimate Government of Cambodia, which had been rebuilding the educational system for the past 11 years, was the rightful participant.

95. Mrs. POC (Observer for Cambodia), speaking in exercise of the right of reply, said that Cambodia did not need to take any lessons from the aggressor, which for 11 years had even resorted to chemical warfare, the poisoning of wells and torture, as recently reported by Amnesty International.

96. Mr. LE LUONG MINH (Observer for Viet Nam), speaking in exercise of the right of reply, said that his previous remarks had not been addressed to the representative of the criminal Khmers Rouges.

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 23) (E/CN.4/1990/46; E/CN.4/1990/NGO/5 and E/CN.4/Sub.2/1989/32)

97. Mr. MARTENSON (Under-Secretary-General for Human Rights) said that the subject considered under agenda item 23, the right to freedom of thought, conscience, religion and belief, had been a core concern of many United Nations bodies since their establishment and was reflected in the principles of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other international and regional human rights instruments.

98. Article 18 of the Universal Declaration clearly stated that everyone had the right to freedom of thought, conscience and religion, that right including freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or

belief in teaching, practice, worship and observance. The General Assembly had also reaffirmed that freedom of thought, conscience, religion and belief was a right guaranteed to all without discrimination.

99. Since the adoption in 1981 by the General Assembly of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the Commission on Human Rights had been considering measures designed to apply the Declaration. The list of initiatives and activities implemented by the Commission was impressive.

100. In its resolution 44/131, the General Assembly had relied upon the efforts made by the Commission and the Sub-Commission to study events and circumstances endangering the application of the Declaration. It had welcomed the decision taken by the Economic and Social Council, based on the Commission's recommendation, to extend for two years the mandate of the Special Rapporteur, Mr. Ribeiro, responsible for considering at the international level developments and Government actions not in compliance with the terms of the Declaration and to recommend, as required, any appropriate measures. The same General Assembly resolution asked the Commission to continue its consideration of measures to apply the Declaration and to submit a report to the Assembly, at its forty-fifth session, on that item through the intermediary of the Economic and Social Council.

101. In its resolution 1989/44, the Commission had expressed the hope that the Sub-Commission would report to it, at its forty-sixth session, on the basis of a thorough consideration of the issues and factors to be considered before any drafting of a further binding international instrument on freedom of religion and belief took place. The Sub-Commission would thereby assist the Commission in considering further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief including the question of the desirability of any further standard-setting in that area in the light of General Assembly resolution 41/120.

102. At its forty-first session, the Sub-Commission had had before it a working paper on the subject (E/CN.4/Sub.2/1989/32), prepared by Mr. van Boven in accordance with Commission resolution 1988/55 and Sub-Commission decision 1988/112. The Sub-Commission had adopted resolution 1989/23, paragraph 3, of which contained four issues and considerations on the subject matter that the Sub-Commission had brought to the attention of the Commission at the current session. It had further reaffirmed its willingness and interest to make a further contribution to activities which might be considered by the Commission as a further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief (para. 4).

103. In the context of agenda item 23, the General Assembly, in its resolution 43/108 and the Commission in its resolution 1989/44, requested the Secretary-General to invite interested non-governmental organizations to consider what further role they could envisage playing in the implementation of the Declaration and in its dissemination in national and local languages. In a letter dated 10 April 1989, the Secretary-General had invited interested non-governmental organizations to take that request into consideration.

104. He was firmly convinced that agenda item 23 was of cardinal importance to the cause of human rights. Freedom of belief and religion was a matter of deepest significance to individuals and communities all over the world. Indeed, the drafters of the Universal Declaration affirmed that fundamental right amongst the guiding precepts enshrined in that historic document.

105. Furthermore, the denial of freedom of belief and religion had been responsible for some of the most cruel and enduring conflicts in the course of human civilization. Persecution, violence and human rights violations had fed upon each other in a spiral that had engendered hatred, bitterness and even carnage transcending the generations. The United Nations had made great efforts to promote the cause of tolerance and freedom in that essential sphere, and it was to be hoped the Commission would give further impetus to the cause.

The meeting rose at 1.20 p.m.